

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of JAYLONN ANTHONY
SANDERS, Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

NICOLE LYNN DAVENPORT,

Respondent-Appellant,

and

LONNIE JAY SANDERS, JR.,

Respondent.

UNPUBLISHED

January 27, 2005

No. 256908

Wayne Circuit Court

Family Division

LC No. 03-417613-NA

Before: Zahra, P.J., and Neff and Cooper, JJ.

MEMORANDUM.

Respondent Nicole Davenport appeals as of right from the trial court's order terminating her parental rights to the minor child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j). We affirm. This case is being decided without oral argument pursuant to MCR 7.214(E).

Respondent challenges the trial court's findings concerning the statutory grounds for termination. To terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been established by clear and convincing evidence. *In re Sours*, 459 Mich 624, 632-633; 593 NW2d 520 (1999). Once the court determines that a statutory ground for termination has been established, it must terminate the respondent's parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). We review the trial court's decision for clear error. *Id.* at 356-357; *In re Sours*, *supra* at 633. The decision "must strike us as more than just maybe or probably wrong" *Id.* (internal quotation marks and citations omitted).

The trial court did not clearly err in finding that §§ 19b(3)(a)(ii), (c)(i), and (g) were each proven by clear and convincing evidence. *In re IEM*, 233 Mich App 438, 450; 592 NW2d 751

(1999). Respondent entered a no-contest plea to the allegations in the initial petition in May 2003, but then failed to attend the next five hearings, including the termination hearing, over the course of the next year. Further, she did not visit, support, or maintain contact with her son. Her only compliance with the treatment plan occurred when she completed a substance abuse assessment four days before the termination hearing, but then she refused to seek treatment for her substance abuse condition. This was too little, too late. The trial court's findings were not clearly erroneous. Because only a single statutory ground for termination is required, *id.*, we need not address whether termination was also warranted under § 19b(3)(j).

In the absence of clear evidence that termination was not in the child's best interests, the trial court properly terminated respondent's parental rights to the child. MCL 712A.19b(5); *In re Trejo, supra*.

Affirmed.

/s/ Brian K. Zahra
/s/ Janet T. Neff
/s/ Jessica R. Cooper